

UNITED STATES DISTRICT COURT
PROBATION OFFICE
DISTRICT OF NEW JERSEY

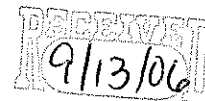
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September 11, 2006

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The Honorable Dickenson R. Debevoise, U.S. District Court Judge
Martin Luther King Federal Building & U.S. Courthouse
50 Walnut Street, Room 5083
Newark, New Jersey 07102



RE: Kapral, Michael - Dkt. No. 94-00448-001; 94-00299-001
SUPERVISION STATUS UPDATE

Dear Judge Debevoise:

On January 17, 1995, the above-referenced offender appeared before the Honorable Alfred M. Wolin and pled guilty to Count Two of a four-count Indictment (Docket No. 94-00229), charging Income Tax Evasion, in violation of 26 U.S.C. § 7201. On this same date, Kapral also pled guilty to a single count Superseding Information (Docket No. 94-00448), charging Conspiracy to Distribute and Possession with Intent to Distribute in excess of 700 grams of Methamphetamine, in violation of 21 U.S.C. § 846.

On May 25, 1995, Kapral was sentenced under docket number 94-00448 to serve 120 months incarceration to be followed by eight (8) years supervised release, and he was ordered to pay a \$25,000 fine and \$50 special assessment penalty. On docket number 94-00299-01, Kapral was sentenced to serve 60 months incarceration, to be followed by three (3) years supervised release, concurrent to docket number 94-00448. A \$25,000 fine and \$50 special assessment penalty was also imposed which was ordered to run consecutive to docket number 94-00229-001. Special conditions imposed included drug counseling and/or treatment at the discretion of the U.S. Probation Office, alcohol counseling and/or treatment at the discretion of the U.S. Probation Office, cooperation with the IRS, and financial disclosure.

On April 5, 2004, Kapral was released from custody and commenced serving his concurrent terms of supervised release. Kapral maintained compliance with the conditions of his supervised release until November 26, 2005, at which time he was arrested in Stratford, New Jersey, and charged with **Driving While Intoxicated, Refusal to Submit to a Breathalyzer Test, Speeding, and Careless Driving**. The Court was apprised of this arrest in a Report of Offender Under Supervision letter dated December 12, 2005. No Court intervention was requested at that time. Instead, it was recommended that the undersigned continue to track the status of the pending charges and re-address the violation once the charges were adjudicated. The Court was informed that Kapral would be referred for a substance abuse evaluation, as well as be subjected to an enhanced reporting schedule with increased urine monitoring.

On February 8, 2006, Kapral appeared in Stratford Municipal Court and pled guilty to Driving Under the Influence of Alcohol. He was assessed \$769 in fines & penalties, ordered to complete a 12 hour impaired driver program (IDRC), and his New Jersey drivers license was suspended for 90 days.

According to the Stratford Township Municipal Court Clerk, Kapral satisfied his fines & penalties in full, and completed his IDRC program on May 26, 2006. His New Jersey driver's license was restored on May 7, 2006.

As a punitive sanction for the above conviction, the undersigned recommended that Kapral's conditions of supervised release be modified to include a period of home confinement with electronic monitoring for a period of 90 days (self pay). Kapral consented to this modification in lieu of a formal violation hearing, and the Court concurred with this proposed modification in a response dated May 25, 2006.

On May 23, 2006, Kapral informed the undersigned that on May 21, 2006, he was driving through Gibbsboro, New Jersey, when he was pulled over for a moving violation. The officer reportedly performed a series of sobriety tests before charging him with Driving Under the Influence of Alcohol (DUI), Speeding, and Reckless Driving. Kapral was released on recognizance pending court.

Your Honor was apprised of this second arrest in a letter dated June 12, 2006, although no Court intervention was requested at that time pending disposition of the above charges. The Court was apprised that Kapral has since been referred to a substance abuse treatment program at SODAT, and that his supervised release had been recently modified to include three (3) months house arrest with electronic monitoring (self pay). The Court concurred with this officer's recommendations in a response dated June 15, 2006.

According to Kapral's substance abuse counselor, Robert E. Hall, Kapral continues to make a positive adjustment to his substance abuse program plan, and all urine screens submitted to date have been negative for the presence of illegal drugs. Kapral also remains compliant with the conditions of his house arrest, which is scheduled to terminate on October 4, 2006.

On August 17, 2006, Kapral appeared in Gibbsboro Municipal Court and was found guilty of Careless Driving. He was fined \$206 dollars, assessed \$33 in court costs, and received a 6 month suspension of his New Jersey drivers license. The DUI, Speeding, and Reckless Driving charges were dismissed.

In consideration of the above disposition, and by virtue of this letter, the undersigned is requesting that the Court take no further action in this matter. The U.S. Probation Office will continue to raise Kapral's accountability to this office via increased reporting schedule, and maintain contact with his treatment provider to ensure that he continues to attend and successfully complete his Intensive Outpatient Treatment Program at SODAT, Camden, New Jersey. Any failure to comply with the recommended treatment program will result in the initiation of violation proceedings.

Please review the following options and check the box that accurately reflects the Court's position in this matter. Please feel free to contact the undersigned officer at (732) 933-9418, should you have any questions or need additional information.

Respectfully submitted,

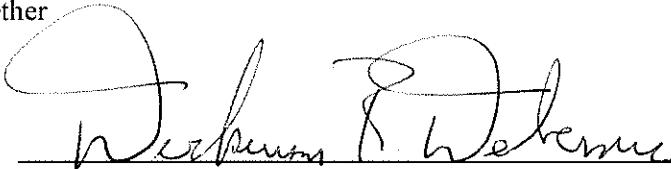
CHRISTOPHER MALONEY, Chief
U.S. Probation Officer,



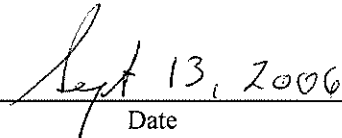
By: Justine Meddick
U.S. Probation Officer

The court directs that additional action be taken as follows:

- ☒ Continue present mode of supervision and notify the Court of any changes in the offender's supervision status.
- ☐ Submit a Request for Warrant or Summons
- ☐ Other



Signature of Judicial Officer



Date